

1 IN THE UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF TENNESSEE

3 AT CHATTANOOGA

4 :  
5 UNITED STATES OF AMERICA, :  
6 Plaintiff, :  
7 v. : 1:15-CR-39  
8 ROBERT R. DOGGART, :  
9 Defendant. :  
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10 Chattanooga, Tennessee  
11 February 6, 2017

12 BEFORE: THE HONORABLE CURTIS L. COLLIER  
13 UNITED STATES DISTRICT JUDGE

14 APPEARANCES:

15 FOR THE PLAINTIFF:

16 PERRY H. PIPER  
17 Assistant United States Attorney  
18 U. S. Department of Justice  
19 Office of the United States Attorney  
1110 Market Street, Suite 515  
Chattanooga, Tennessee 37402

20 SAEED AHMED MODY  
21 United States Department of Justice  
22 601 D Street  
Washington, D. C. 20044

23 JURY TRIAL  
24 FIRST DAY OF TRIAL  
EXCERPT OF PROCEEDINGS  
GOVERNMENT'S OPENING STATEMENT

1 APPEARANCES: (Continuing)

2  
3 FOR THE DEFENDANT:

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5 Best Law Office, PLLC  
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7 Chattanooga, Tennessee 37402

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17 MR. MODY: "This gun is made for one thing, and  
18 that's to kill people." That's what the defendant Robert  
19 Doggart told a man he was trying to persuade to go carry out a  
20 brutal and deadly attack on an unsuspecting community in  
21 upstate New York. And what did he tell that man just three  
22 weeks later? "I don't want to kill children, but there's  
23 always collateral damage." That's what the defendant said as  
he laid out a detailed and explicit plan to drive up, with  
other gunmen, to go attack a community of men, women, and  
children living in New York.

24 Now, what the defendant didn't know was that the man  
25 he was talking to was a confidential source of the FBI. What

1 the defendant didn't know was that that confidential source  
2 was wearing a wire so the FBI could hear and record everything  
3 the defendant was saying. And what the defendant didn't know  
4 was that the FBI had been watching him here in Chattanooga for  
5 over two months and they would arrest him before he got  
6 anywhere close to being able to carry out this brutal attack.  
7 That's why we're here today, and that's why we're here talking  
8 about the defendant's solicitation of people to carry out a  
9 crime of violence and not the defendant's successful execution  
10 of a deadly attack, because the FBI did its job and they did  
11 their job well.

12 Now, who was this community the defendant wanted to  
13 target? It was a community of African Americans from New York  
14 City who had moved to upstate New York in the late '80s. They  
15 wanted to find a better place for themselves and for their  
16 families, and they've been there ever since. You're also  
17 going to hear that this community of Americans was of the  
18 Islamic faith and so they called their community Islamberg.

19 Now, why did the defendant want to attack them? The  
20 evidence will show that the defendant read on the Internet  
21 that this community was going to carry out an attack and he  
22 believed that, the defendant also read on the Internet that  
23 the FBI and other law enforcement wouldn't do anything about  
24 it. So instead of "See something, say something," which we've  
25 all heard before, the defendant didn't say anything to law

1 enforcement; instead, he came out with a detailed plan of  
2 attack to go up to the community, burn down buildings, and  
3 kill people indiscriminately.

4 Now, make no mistake, this case is not just about  
5 the defendant's words, this is not just about talk, it's about  
6 the defendant's actions and his conduct. You're going to hear  
7 during this case that the defendant recruited people, online  
8 and in phone calls, from his home on Signal Mountain, and that  
9 he went and visited people that he believed could help him  
10 execute this plan. He took trips to Nashville and Easley,  
11 South Carolina, to meet up with people that he believed would  
12 help him execute this deadly attack, and he took with him guns  
13 and ammunition to show these people that he was serious in  
14 making sure this attack happened.

15 Now, you're going to hear that despite the  
16 defendant's best efforts to keep his recruitment of other  
17 people quiet, the FBI found out about it and they acted.  
18 You're going to hear from Agent James Smith that the FBI got a  
19 tip from a confidential source in early February of 2015 that  
20 the defendant was posting messages on Facebook about carrying  
21 out some type of attack. You're going to hear that the  
22 confidential source was a civilian who was paid for  
23 information that otherwise law enforcement couldn't get, and  
24 you're going to hear that the FBI asked that source to reach  
25 out to the defendant over Facebook and try to learn more

1 information about who he wanted to attack and whether or not  
2 this was actually serious.

3 You're going to hear that the source did reach out  
4 to the defendant over Facebook and they had several phone  
5 calls, as well, afterwards. And you're going to hear on those  
6 phone calls that the defendant talked about a specific and  
7 explicit plan go attack the community in New York; he talked  
8 about the types of guns they would use, the types of  
9 ammunition, the types of explosives, the getaway route. And  
10 all this was recorded for you to hear. Now, you're not going  
11 to be hearing from the confidential source in this case,  
12 because he died of natural causes a few months ago. However,  
13 you will be able to see those Facebook messages and hear those  
14 calls for yourself.

15 You're going to hear from Agent Smith that after the  
16 FBI found out the defendant was actively recruiting people,  
17 they decided to go to a federal court and get a court order to  
18 listen to the defendant's phone calls. And you're going to  
19 hear that they wanted to listen to the defendant's phone calls  
20 in realtime for two reasons, (1) they wanted to make sure that  
21 the defendant didn't get anywhere near being able to carry out  
22 this attack, and (2) they wanted to see if there was anyone  
23 else involved in making this plot. You're also going to hear  
24 that they got a Facebook search warrant to look at his  
25 messages to people that he was also soliciting online just

1 like he had done the confidential source.

2 You're going to hear that after the defendant and  
3 the confidential source had several phone calls, they decided  
4 to meet in person and so they met up in Nashville. And you'll  
5 hear during that meeting the defendant brought with him maps  
6 that he'd printed online to show the source exactly how they  
7 would attack the community in New York, and that he also  
8 brought with him the gun that he said was made for killing  
9 people.

10 Now, in this case you're going to be hearing a lot  
11 of recordings of phone calls, and I mean a lot of -- a lot of  
12 phone calls, about 30. And I'm going to ask for your patience  
13 as you listen to those, because it will be incredibly  
14 important for you to not only hear the defendant solicit and  
15 persuade people to go commit this attack but it will also be  
16 important for you to hear the defendant talk to his friends  
17 and acquaintances about what he was doing and why he was doing  
18 it, because you're going to be asked to assess the defendant's  
19 state of mind during this case.

20 You're going to hear during those calls the  
21 defendant was soliciting other people as well, and there's a  
22 couple in particular we're going to talk about. One was a man  
23 in South Carolina. You're going to hear the defendant and  
24 this man had several conversations, and that this man promised  
25 the defendant that he could provide more men to help execute

1 this operation, because the defendant wanted to get 20 gunners  
2 or gunmen to carry out this operation. And this man told the  
3 defendant that he had a special skill, EOD, or explosives.  
4 You'll hear that the defendant and this man then had  
5 conversations about the best way to effectively burn down and  
6 blow up buildings in the community, and they talked about  
7 Molotov cocktails and other explosives.

8 You'll hear the defendant also communicated with  
9 another man over Facebook from central Illinois. And at first  
10 those conversations were on Facebook, but then they had a  
11 face-to-face meeting here in Chattanooga at the City Café in  
12 April of 2015. And at that meeting was also the confidential  
13 source. And the three of them, during that meeting in person,  
14 talked about the defendant's plan of attack. And during that  
15 meeting and in that recorded meeting you're going to hear the  
16 defendant give in explicit detail how he imagined this attack  
17 going down. You'll hear him say that after the first bomb  
18 they went off -- that went off, people would run from their  
19 homes, and that would be when they would gun them down. And  
20 that's when he said, "I don't want to kill children, but  
21 there's always collateral damage."

22 Now, this community, this unsuspecting community in  
23 New York, was a community of about a hundred men, women, and  
24 children. You're going to hear that during the summertime  
25 their numbers increase because they have a summer camp for

1 boys and girls from all over the country to come and attend  
2 and they do sports and they do secular activities and they  
3 also do religious classes at their mosque. And you're going  
4 to hear that their mosque is the center of their community,  
5 just like any other church or place of worship. And you're  
6 going to hear that the defendant wanted to target three  
7 specific buildings, including the mosque.

8 Now, the other thing you're going to hear the  
9 defendant talk about is that he believed that there was an  
10 uprising coming to overthrow the government, and that people  
11 like him would come together to overthrow the government, and  
12 that this attack on this community could be the flashpoint  
13 that brought those people together. So you're going to hear  
14 that this wasn't just about trying to stop something that he  
15 believed was going to happen because he read it on the  
16 Internet but this was about starting something as well.

17 Now, the other thing you're going to hear is that  
18 there are times where people try to talk the defendant out of  
19 this plan, to tell him to knock it off, to talk some sense  
20 into him. And there will be times in these conversations  
21 where the defendant does waver, where the defendant talks  
22 about postponing the plan of attack, waiting for martial law  
23 to be imposed by the United States government, waiting to go  
24 do recon himself by going up to New York and checking out the  
25 community. And it's going to be important for you to listen

1 to those calls and understand that although the defendant  
2 wavers, he never changes direction and he never disavows his  
3 plan of attack.

4 Now, you're going to hear from another FBI agent  
5 named Cathy Fuller. She is going to tell you that she helped  
6 perform the search of the defendant's home after he was  
7 arrested, and that the FBI recovered several firearms. You're  
8 going to see for yourself a 12-gauge shotgun that the  
9 defendant described as "the meanest shotgun on earth" and one  
10 that he intended to use during the attack, and you'll hear  
11 that on the phone calls. You'll get to see for yourself that  
12 the defendant had an M-400 assault rifle with over a thousand  
13 rounds of ammunition, including tracer ammunition, and you're  
14 going to hear on calls that the defendant said he would use  
15 this weapon during the attack, and that he would use tracer  
16 ammunition because it would scare the men, women, and children  
17 as they carried out this attack.

18 Now, there is going to be a lot of evidence in this  
19 case, but at the end of the day this case is simple. The  
20 defendant planned a brutal and deadly attack on an  
21 unsuspecting community of people in New York, including  
22 burning down their buildings and indiscriminately killing  
23 people. But his plan required more people, and so he went  
24 about soliciting and persuading people to join him. The  
25 defendant wanted to act as judge, jury, and executioner of

1 this community.

2 Now, the defendant has -- the Judge has already told  
3 you about the standard that we have in this case, the burden  
4 we bear, and it's a burden the government gladly bears.

5 Now, the defendant has been charged in a superseding  
6 indictment with soliciting other people to go burn down  
7 buildings in upstate New York and also with making threats  
8 about the attack over the telephone. And at the end of this  
9 case Mr. Piper and myself will have a chance to come argue to  
10 you about why we think there is only one verdict that is  
11 supported by the evidence you're going to hear, and that  
12 verdict is guilty. Thank you.

13 END OF EXCERPT

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16 I, Elizabeth B. Coffey, do hereby certify that I  
17 reported in machine shorthand the proceedings in the  
18 above-styled cause, and that this transcript is an accurate  
19 excerpt of said proceedings.

20

21

s/Elizabeth B. Coffey  
Elizabeth B. Coffey,  
Official Court Reporter

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